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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/184,186 11/02/98 CLEMENT

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EXAMINER

IMS2/0409

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ELVE, M

ART UNIT

PAPER NUMBER

1725

DATE MAILED:

04/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/184,186

Applicant(s)
Clement et al.

Examiner
M. Alexandra Elve

Group Art Unit
1725



☒ Responsive to communication(s) filed on Jan 16, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-50 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-50 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Double Patenting

1. Claims 1-7, 10-32 & 48 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-10, 13-18, 21-25, 30-34, 38-41 & 45-46 of copending Application No. 09/346,375. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-50 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by WO(I) (96/17737).

WO(I) discloses the release of bonded screens, such as, vehicle windscreens which are bonded to a support frame. Release is generated by the transmission of energy from a delivery means through the screen which degenerates the bonding material (abstract). The energy delivery means is adjacent to the screen and transmits energy through the material, that is, the screen. The

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energy transmitted through the screen permits the release of the screen from the support frame. A heatable separating member may be provided, which is closely fitting or embedded in the adhesive bead (page 2). The energy is generally in a wave format and may be electromagnetic wave energy, such as light, or vibrational/sound energy. A preferred embodiment is the use of laser energy having a wavelength in the visible/near infra-red region of the spectrum (page 3). Energy delivery may be through the use of an ultrasonic transducer and this energy is preferably arranged to be focused or concentrated at a predetermined location. Additionally, it is preferred that tuning means is arranged to tune the frequency or intensity of the wave energy delivered by the energy

~~delivery means (page 4). In order to use the laser delivery system to remove a windscreen from its~~

frame, the system is comprised of a waveguide directing laser radiation from an energy source to an applicator head which is placed adjacent to the peripheral edge of the windscreen and is directed through the windscreen. The applicator head includes a beam guide and an on/off switch. Continuous wave in laser radiation is directed from the applicator head through a localized portion of the windscreen to impinge upon the bonding bead (page 5). An example of the laser delivery system parameter is as follows: wavelength 820 nm, donor 60 watts and beam section 18mm by 4mm. There are alternatives to the laser delivery system, in accordance with the invention, such as, ultrasonic energy (page 6).

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Response to Amendment

4. Upon carefully reviewing Applicant's arguments filed January 16, 2001 the Examiner acknowledges the amendments to claims 8, 9, 13, 17, 21, 25 & 45 and the addition of claims 48-50. The 112 second paragraph rejections and claim objections are withdrawn in view of applicant's amendments.

5. Applicant's arguments filed January 16, 2001 (paper # 9) have been fully considered but they are not persuasive.

Applicant argues that since the double patenting rejection is provisional and the allegedly conflicting claims have not in fact been patented, it is requested that the rejection be held in abeyance until the indication of allowable subject matter. The examiner respectfully disagrees that the rejection be held in abeyance. The double patenting rejection is provisional, however, for the record it will be held so that it is not overlooked at the time an indication of allowable subject matter.

The applicant argues that the newly submitted claims more particularly claim a light pulse and thus is allowable. The examiner respectfully disagrees because the prior art teaches that the energy is generally in a wave format and may be electromagnetic wave energy, such as light, or vibrational/sound energy (page 3).

The applicant argues that application has priority to 8/13/1996 and thus the application cannot be anticipated by WO(I). The examiner respectfully disagrees because the prior art WO(I)

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has an international publication date of 6/13/1996. Thus the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant of the patent.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rodgers et al. (US Pat. 5,895,589); JP(I) (abstract) (11267627).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Alexandra Elve whose telephone number is (703) 308-0092. The examiner can normally be reached Monday to Friday from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn, can be reached on (703) 308-3318. The fax number for the group is (703) 872-9386.

Any inquiry of general nature to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-0661.



M. Alexandra Elve
Patent Examiner
Technology Center 1700

April 5, 2001.